

BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD  
WESTERN WASHINGTON REGION  
STATE OF WASHINGTON

ALLEN RICHARD CURTIS AND MICHAEL  
WHITNEY,

Petitioners,

v.

CITY OF RAYMOND,

Respondent.

Case No. 12-2-0015

**ORDER OF DISMISSAL ON  
STIPULATION**

This matter came before the Board pursuant to a Motion to Dismiss filed by the City of Raymond.<sup>1</sup> By letter dated April 4, 2013, Petitioners informed the Board they would not file any opposition to the City's motion. They did request that the Board defer issuing its order on the motion until the parties executed a stipulation and order of dismissal. A copy of a stipulation and order signed by Petitioners and the City was then received on April 5, 2013.

The Petition for Review (PFR) was filed on November 20, 2012 and challenged Raymond's Ordinance 1801 which amended the City's Comprehensive Plan, zoning maps, and related development regulations. The PFR alleged the Ordinance violated the State Environmental Policy Act (Chapter 43.21C RCW) and the Growth Management Act (Chapter 36.70A RCW). Included in the PFR was an allegation that the City had failed to adopt a public participation program pursuant to RCW 36.70A.130 and RCW 36.70A.140.

Challenged Ordinance 1801 was subsequently repealed and Petitioners' counsel acknowledged PFR Issues A, B and D had been rendered moot by the repeal.<sup>2</sup> The sole remaining challenge was Issue C, a failure to act claim.<sup>3</sup> Following discussion during the

<sup>1</sup> Motion to Dismiss With Prejudice, filed March 25, 2013

<sup>2</sup> Correspondence received from Petitioners' counsel on December 20, 2012.

<sup>3</sup> Issue C: Is the City of Raymond in noncompliance with RCW 36.70A.130(2)(a) and .140 where it has failed to adopt and broadly disseminate a public participation program?

1 prehearing conference, the Board dismissed Issues A, B and D and also granted a  
2 requested 90-day extension for purposes of settlement pursuant to RCW 36.70A.300(2)(b)  
3 and WAC 242-03-575.<sup>4</sup>  
4

5 The City now states its Ordinance 1809<sup>5</sup> adopted a public participation program, that such  
6 action directly addresses Issue C and it argues the PFR should now be dismissed. As  
7 stated, Petitioners do not oppose dismissal. The Board has now received and filed the fully  
8 executed Stipulation and Agreed Order of Dismissal. However, actual dismissal will be  
9 accomplished pursuant to this order.  
10

### 11 ORDER

12 Based on the foregoing, this case is hereby DISMISSED pursuant to WAC 242-03-720(1)(b).  
13 Entry of this Order of Dismissal is not to be interpreted as approval by the Board of the terms  
14 of any settlement agreement, nor any agreement to enforce the terms of such settlement  
15 agreement.  
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17 Dated this 9th day of April, 2013.  
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22 William Roehl, Board Member

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24 Nina Carter, Board Member

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26 Charles Mosher, Board Member  
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<sup>4</sup> Prehearing Order, Order Granting Settlement Extension, and Order of Dismissal, dated December 28, 2012.

<sup>5</sup> Adopted February 4, 2013.